



Dear Neighbour

We felt you should be made aware that your dog is causing a nuisance by barking.

Rather than making a formal complaint to the council, we wanted to take this opportunity to advise you of the situation so that you can take action to rectify the problem.

- | | |
|---|------------------------------|
| 1. Your dog barks during the | Day / Night / Both |
| 2. Barking occurs | Once / Twice / Several Times |
| 3. The barking continues for periods of up to | _____ Minutes |
| 4. The barking is worse when you are | Home / Not home |
| 5. The dog barks at the | Front / Rear / Side |
| 6. Your dog appears to be barking at | _____ |
| 7. The dog predominantly barking is (if two dogs) | _____ |

By bringing this matter to your attention I hope we are able to resolve this issue in a neighbourly manner.

Neighbour



Section 38 (1) of the Western Australian Dog Act 1976 States:

(1) A dog shall not be a nuisance either of itself or
Together with other dogs whether or not in the same
Ownership

(1a) where it is shown that a dog is a nuisance in

Contravention of subsection (1) the occupier of the

Premises where the dog is ordinarily kept or ordinarily

Permitted to live commits an offence against that

Subsection unless he proves that he took all reasonable precautions and exercised all due diligence to avoid the contravention.

PENALTY: Where the dog is a dangerous dog \$4,000 and a daily penalty of \$400. Otherwise \$2,000 and a daily penalty of \$200.

(2) A dog shall be taken for a nuisance for the purpose of this section if:

(b) it creates a noise by barking or otherwise, which persistently occurs or continues to a degree or extent not normally habitual in dogs and has a disturbing effect on the state of reasonable physical, mental or social well-being of a person; or

(3) Where three persons, of whom at least occupy different premises, are prepared to sign and do sign a complaint in the prescribed form alleging the existence of a nuisance created by a dog, the council may serve on the occupier of the premises in which that dog is kept, a notice requiring him to abate the nuisance within 14 days, and if the nuisance is not so abated the Local Government may institute proceedings for an offence against subsection (1).

INFORMATION TO COMPLAINANTS

Dog nuisance complaints are often difficult to resolve for a number of reasons:

1. Barking is very subjective with many different interpretations as to what is a nuisance. As a result, the degree of annoyance varies with the location of the dog, and the tolerance of the complainant.

Examples of possible nuisances include:

- Barking at every person/dog passing by and/or the barking continuing for some time after the passer-by has gone;
- Repeated rushing/jumping and barking/growling at the front, back or side fence;
- Barking regularly during the hours of darkness;
- Barking, whining and/or howling for regular periods in excess of 15 minutes when the owners are absent, or are inside the house and the dog is outside;
- Barking associated with other behavioural problems e.g. tail chasing.

2. It is extremely difficult to collect reliable and permanent evidence on the frequency and loudness of a dog's barking.

The diaries completed by the complainant, their recollection of the dogs barking and how it affects them, will often decide whether legal action is won or lost. Video or auditory taping is usually not admissible in court.

3. A barking complaint is often just one aspect of a feud between two neighbours, or between several families in an area.

It is important that the dog nuisance is considered in isolation, and does not become part of a dispute with the neighbour over one or more other issues, or is made as a result of the complainant's dislike of the neighbour. The dog should not be used as a way of getting even if the dog owner has lodged a complaint on another matter with the Shire.

4. The suspected dog may not be responsible for all the barking in the neighbourhood.

The complainant must be certain that they have identified the correct dog for all of the noise that is causing a nuisance. For example, if two dogs are barking at each other through adjoining fences, blame should not be attributed to just one dog.

5. The complainant may have deliberately or inadvertently caused the problem to worsen by hitting the fence or throwing objects at the dog when the barking first occurred. A minor problem that was annoying may lead to a dog lunging at or attacking the neighbours because of ongoing actions to stop the dogs barking.

The complainant's children or neighbours teasing the dog, or the complainant's cats entering the dog's property, or walking along the fence-line may cause barking. Where possible the complainant must co-operate to prevent these.

It is important those if a dog barks at a neighbour that they do not hit the fence, yell at it or throw objects into the dog owner's property. Where the dog has been obedience trained

the neighbour should be introduced to the dog and given commands that the dog has been taught e.g. "quiet". This enables them to have some control over the dog when it barks. In situations where the dog perceives the neighbour to be a threat, or if the dog is not trained, then friends can be made with the dog by talking gently to it and, by arrangement with the dog owner, offering it treats once it is quiet.

6. The dog may suddenly become a problem because circumstances have changed in the complainant's life e.g. a new baby has arrived or they have commenced shift work.

Whilst this does not detract from the alleged nuisance, the complainant may consider meeting the dog owner half way by making adjustments to their lifestyle in conjunction with the dog owner's attempts to reduce the noise.

7. As barking often severely disrupts people's lives, most complainants want immediate action. However the treatment for a barking dog is often lengthy and difficult, and it is rarely possible to treat within the time allowed for by the Shire's Abatement Notice.

It is important that the complainant allows sufficient time for treatment to take place if the dog owner is prepared to carry this out, and the complainant provides sufficient information to enable a treatment program to take place.

8. Dog owners are seldom bothered by their own dogs barking when they are home, and are often not aware that it is causing a nuisance to others. Some dog owners have difficulty in believing that their dog barks excessively. This is because the dog usually barks when they are out and is not barking when they arrive home.

It is important that the dog owner is approached as soon as the dog becomes a nuisance. They should be informed as to when the dog is barking and how it is affecting the complainant's lifestyle. The complainant should be courteous, informative and supportive of any suggestions to rectify the problem, but if the dog owner fails to accept there is a problem, then a complaint should be lodged with the Shire immediately. Early action means treatment is more likely to be effective and immediate. A habitual barker and a prolonged dispute are difficult to resolve, being unpleasant and time consuming for all parties involved.



Western Australia
Dog Act 1976
Form 6

Complaint as to a nuisance created by a dog

I (1) _____
of _____
No. _____

herby officially lodge the following complaint, knowing full well that I may be required to appear in court and give evidence.

TAKE NOTICE that a dog, believed to be a (2) _____

has created a nuisance by (3) _____

The dog is believed to belong to (4) _____

and is usually kept at (5) _____

Dated the _____ day of _____ 20____

Signed (6) _____

- (1) Complainants Name, address and contact number.
- (2) Breed or description of dog.
- (3) Describe details of the alleged nuisance including dates and times.
- (4) Name of owner if known.
- (5) Address where dog usually kept.
- (6) Signature of complainant.

Note: You may be further required to keep a barking dog diary if the nuisance persists to be used as evidence to substantiate your alleged complaint.

Complainant's Diary

It is important that the diary is accurate and sufficiently detailed to demonstrate in a Court of Law that the dog shall be taken to be a nuisance if:

- (a) it is injurious or dangerous to the health of any person;
- (b) it creates a noise, by barking or otherwise, which persistently occurs or continues to a degree or extent not normally habitual in dogs and has a disturbing effect on the state of reasonable physical, mental, or social well being of a person;
- (c) it is shown to be allowed to behave consistently in a manner contrary to the general interests of the community,

Information That Should be Included in the Diary

- The date or dates of each episode of barking.
- The times that the barking and/or howling commenced and ceased.
- The actions of the dog when creating a nuisance e.g. rushing at the fence, sitting at back door, chasing birds.
- Any identifiable cause of the barking e.g. people or dogs passing by.
- Under what circumstances the barking is at its worst e.g. just after owners have left for work, when children are playing with the dog.
- What effect the barking is having on the complainant or their family e.g. preventing sleep, study, or social activities.
- What is most annoying about the noise e.g. the loudness or frequency of the barking.
- If there is more than one dog, which dog is causing the nuisance.

Statements in the diary such as; the dog is barking all day, the barking continues for long periods of time, or the dog is annoying, do not provide sufficient detail for a minimum standard of evidence to support a complaint in Court. The Shire will not proceed with legal action if this detail is not obtained.

BARKING FACTS

MYTH: A dog that always barks is a good watchdog.

FACT: Dogs that bark excessively make poor security systems, as neighbors often choose to ignore the barking.

MYTH: My dog does not bark when I am home, so it does not bark when I am out.

FACT: Dogs bark for many reasons including anxiety and isolation. Most nuisance complaints relate to dogs barking when their owners are not home.

MYTH: Sterilization will stop my dog from barking.

FACT: There is no direct relationship between sterilization and barking except where dogs are barking at dogs of the same sex, or when a male dog senses a bitch in season nearby. However there are many physical, behavioural and management reasons unrelated to barking why the operation should be carried out.

MYTH: It is natural for dogs to bark.

FACT: Barking is one of the dog's main forms of communication. However it is not normal for a dog to bark at every passer by, nor to bark for long periods of time.

MYTH: Dogs only bark when teased, bored or not exercised.

FACT: Excessive barking is only a symptom of an underlying problem. To resolve nuisance barking its cause has to be found, and the problem treated. Possible causes of barking include; breeding, inappropriate confinement, passing distractions, isolation, guarding, anxiety, excitement, discomfort and attention seeking.

MYTH: Dogs that bark because they are lonely need another dog for company.

FACT: Getting a second dog does not usually prevent or solve a barking problem.

MYTH: The dog barks because it is the wrong breed for its environment.

FACT: Excessive barking may be more likely to develop in some breeds than others, given similar environmental conditions. However it can occur in any breed or sex of dog, and most habitual barkers have learned that barking can be rewarding.